



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Vanessa E. Boone : Group Art Unit: 3673

Serial No.: 10/726,531 : Examiner: Lisa M. Saldano

Filed: December 4, 2003

For: HEADREST

DECLARATION TRAVERSING REJECTIONS UNDER 37 C.F.R. §1.132

Mail Stop: Fee Amendment

Commissioner for Patents

P. O. box 1450

Alexandria, VA 22313-1450

Sir:

I, E. Vanessa Boone hereby declare as follows:

- 1) I am the inventor named in the above-identified application.
- 2) I am the owner of the Perfect Hair Pillow Company which sells the headrest claimed in the application and shown in Exhibit A.
- 3) I have sold through my company, Perfect Hair Pillow Company, 24 headrests described in claims 1-5 and 8-12 pending in the above-identified patent application, as amended in the Reply to be filed February 22, 2005 (Exhibit B).
- 4) I have given away 7 demos in an effort to increase demand for my headrest (Exhibit C).
- 5) Attached to this Declaration are copies of receipts evidencing commercial activity of the headrests described and claimed in my patent application.
- 6) People using my headrest have found it satisfactory in that in the morning they are able to fluff their hair with their fingers and do not need to curl or comb their hair (Exhibit D).

7) In order for my business to thrive, I need more product which I can obtain only through outside investment. A patent will help me to secure outside investment.

I declare under penalty of perjury that the foregoing is true and correct, this 22nd day of February 2005.

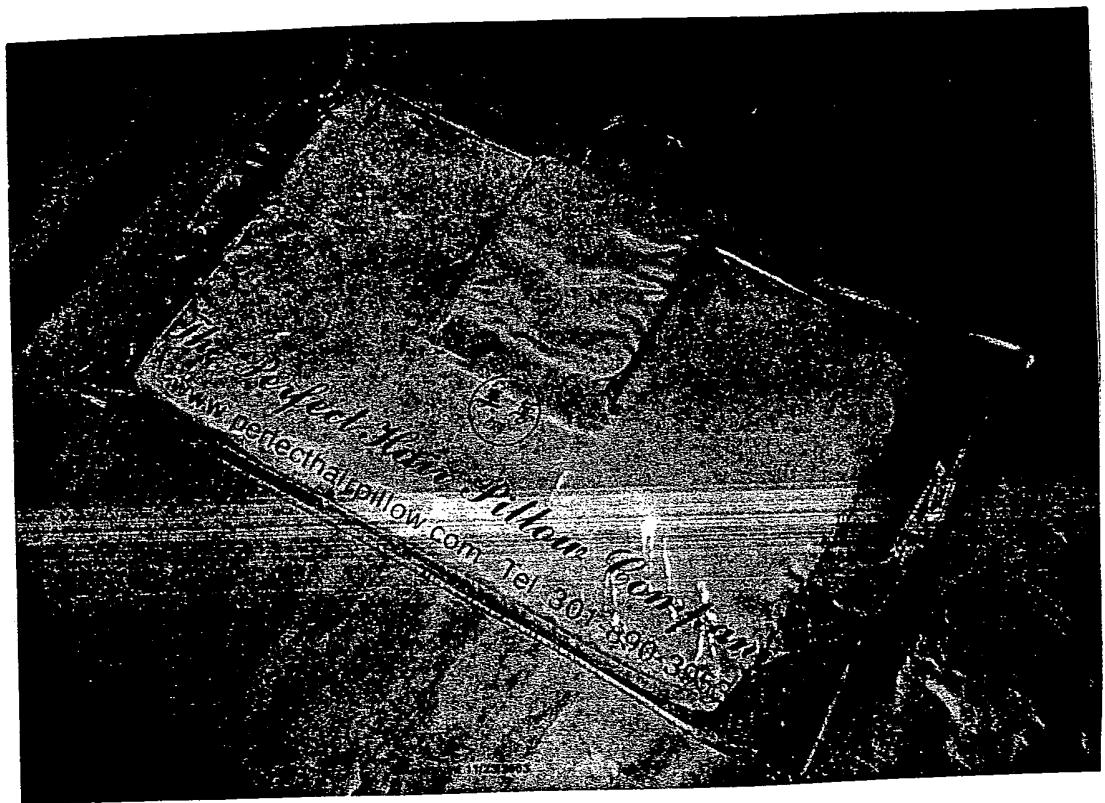
Respectfully submitted,

E. Vanessa Boone
13701 Colgate Way #1138
Silver Spring, MD 20904

Date: February 22, 2005

EXHIBIT

A



BEST AVAILABLE COPY

EXHIBIT

B

RECEIPT

DATE	8-18-03	No.	697809
RECEIVED FROM	<u>Loula Walker</u>		
Shirley	Thirty	DOLLARS	
<input type="radio"/> FOR RENT <input checked="" type="radio"/> FOR	Perfect Hair Pillow - Sent to Mae Tolbert		
ACCOUNT	<input type="radio"/> CASH	FROM	TO
PAYMENT	<input type="radio"/> CHECK		
BAL DUE	<input type="radio"/> MONEY ORDER	BY	<u>Eloise Vanessa Rose</u>
1182			

RECEIPT

DATE	8-22-03	No.	697810
RECEIVED FROM	<u>Demo - 2 Gold Cases</u>		
to Mama	Zero	DOLLARS	
<input type="radio"/> FOR RENT <input checked="" type="radio"/> FOR	Yellow Cases - GOLD		
ACCOUNT	<input type="radio"/> CASH	FROM	TO
PAYMENT	<input type="radio"/> CHECK		
BAL DUE	<input type="radio"/> MONEY ORDER	BY	<u>Eloise Vanessa Rose</u>
1182			

RECEIPT

DATE	8-22-03	No.	697811
RECEIVED FROM	<u>Sherry Menna</u>		
One hundred and F.Fty dollars			
<input type="radio"/> FOR RENT <input checked="" type="radio"/> FOR	5 Perfect Hair Pillows		
ACCOUNT	<input type="radio"/> CASH	FROM	TO
PAYMENT	<input type="radio"/> CHECK		
BAL DUE	<input type="radio"/> MONEY ORDER	BY	<u>Eloise Vanessa Rose</u>
1182			

RECEIPT

DATE	8-22-03	No.	697812
RECEIVED FROM	<u>Demo - Shirley</u>		
Zero	\$ 0	DOLLARS	
<input type="radio"/> FOR RENT <input checked="" type="radio"/> FOR	Perfect Hair Pillow		
ACCOUNT	<input type="radio"/> CASH	FROM	TO
PAYMENT	<input type="radio"/> CHECK		
SIR 11-04			

BEST AVAILABLE COPY

~~RECEIPT~~

DATE 8-12-03 No. 697805

RECEIVED FROM Mae Tolbert \$ 30.00

THIRTY DOLLARS

FOR RENT FOR Perfect Hair Pillow

ACCOUNT	
PAYMENT	<u>30.00</u>
BAL DUE	<u>00</u>

CASH CHECK MONEY ORDER

FROM E-Janeet Rose TO
BY 1182

~~RECEIPT~~

DATE 8-14-03 No. 697806

RECEIVED FROM Promotional - Elissa "Model" \$ 0.00

Dollars

FOR RENT FOR Perfect Hair Pillow

ACCOUNT	
PAYMENT	<u>00</u>
BAL DUE	<u>00</u>

CASH CHECK MONEY ORDER

FROM E-Janeet Rose TO
BY 1182

~~RECEIPT~~

DATE 8-14-03 No. 697807

RECEIVED FROM Promotional - Elissa "Model" \$ 0.00

Dollars

FOR RENT FOR Perfect Hair Pillow

ACCOUNT	
PAYMENT	<u>00</u>
BAL DUE	<u>00</u>

CASH CHECK MONEY ORDER

FROM E-Janeet Rose TO
BY 1182

~~RECEIPT~~

DATE 8-18-03 No. 697808

RECEIVED FROM DEMO - Curtis \$ 0.00

Dollars

FOR RENT FOR Perfect Hair Pillow - GOLD CASE

ACCOUNT	
PAYMENT	<u>00</u>

CASH CHECK MONEY ORDER

FROM Curtis TO
BY

ST

SALE

RECEIPT

DATE	8-10-03	No.	697803
RECEIVED FROM	Gloria Boone	\$	30.00
THIRTY		DOLLARS	
O FOR RENT O FOR	Perfect Hair Pillow		
ACCOUNT		CASH	FROM
PAYMENT	30.00	<input checked="" type="radio"/>	E. Glorisa Boone
BAL DUE	00	<input type="radio"/>	1182
<input type="radio"/>	CHECK	<input type="radio"/>	
<input type="radio"/>	MONEY ORDER	<input type="radio"/>	
BY			

Check # 3215

DATE	8-11-03	No.	697804
RECEIVED FROM	Judith Boone	\$	30.00
THIRTY		DOLLARS	
O FOR RENT O FOR	Perfect Hair Pillow		
ACCOUNT		CASH	FROM
PAYMENT	30.00	<input checked="" type="radio"/>	E. Glorisa Boone
BAL DUE	00	<input type="radio"/>	1182
<input type="radio"/>	CHECK	<input type="radio"/>	
<input type="radio"/>	MONEY ORDER	<input type="radio"/>	
BY			

RECEIPT

Gave
LONNIE
3 Gold
PILLOW
CASES
Instead
OF
White

DATE	8-23-03	No.	697813
RECEIVED FROM	LONNIE Allen	\$	90.00
Ninety dollars		DOLLARS	
<input type="checkbox"/> FOR RENT <input checked="" type="checkbox"/> FOR	3 Perfect Hair Pillows		
ACCOUNT	<input type="radio"/>	CASH	FROM
PAYMENT	<input type="radio"/>	CHECK	TO
BAL DUE	<input type="radio"/>	MONEY ORDER	BY

Elvora Vanessa Boone
1182

RECEIPT

DATE	8-23-03	No.	697814
RECEIVED FROM	Lorraine Boone	\$	30.00
Thirty dollars		DOLLARS	
<input type="checkbox"/> FOR RENT <input checked="" type="checkbox"/> FOR	Perfect Hair Pillow	Gave Lorraine mom's gold P. H. Case	
ACCOUNT	<input type="radio"/>	CASH	FROM
PAYMENT	<input type="radio"/>	CHECK	TO
BAL. DUE	<input type="radio"/>	MONEY ORDER	BY

Elvora Vanessa Boone
1182

RECEIPT

DATE	9-2-03	No.	697815
RECEIVED FROM	Tanya Walker	\$	0
ZERO		DOLLARS	
<input type="checkbox"/> FOR RENT <input checked="" type="checkbox"/> FOR	Perfect Hair Pillow & 1 Gold Case		
ACCOUNT	<input type="radio"/>	CASH	FROM
PAYMENT	<input type="radio"/>	CHECK	TO
BAL. DUE	<input type="radio"/>	MONEY ORDER	BY

Elvora Vanessa Boone
1182

RECEIPT

DATE	9-1-03	No.	697816
RECEIVED FROM	Demo (SA/Fs) Tasha Walker	\$	0
ZERO		DOLLARS	
<input type="checkbox"/> FOR RENT <input checked="" type="checkbox"/> FOR	Perfect Hair Pillow plus Pink Case		
ACCOUNT	<input type="radio"/>	CASH	FROM
PAYMENT	<input type="radio"/>	CHECK	TO

Elvora Vanessa Boone

RECEIPT

DATE 9-29-03 No. 697817

RECEIVED FROM Deronka - Shipped to Gloria \$ 38.00

Thirty eight dollars

FOR RENT CASH CHECK MONEY ORDER DOLLARS

FOR Perfect Hair Pillow 30.00 pillow
8.00 shipping & handling

ACCOUNT	<u>38.00</u>	CASH	FROM	TO
PAYMENT	<u>8.00</u>	CHECK	<u>Elova Boone</u>	
BAL DUE	<u>38.00</u>	MONEY ORDER	BY	

1182

RECEIPT

DATE 9-29-03 No. 697828

RECEIVED FROM Dionne Smith \$ 38.00

Thirty eight dollars

FOR RENT CASH CHECK MONEY ORDER DOLLARS

FOR Perfect Hair Pillow 30.00 pillow
8.00 shipping & handling

ACCOUNT	<u>38.00</u>	CASH	FROM	TO
PAYMENT	<u>00</u>	CHECK	<u>Elova J. Boone</u>	
BAL DUE	<u>00</u>	MONEY ORDER	BY	

1182

RECEIPT

DATE 10-05-03 No. 697819

RECEIVED FROM Leonard Hardy \$ 68.00

2 Perfect Hair Pillows

FOR RENT CASH CHECK MONEY ORDER DOLLARS

FOR 60.00 pillow
8.00 shipping & handling

ACCOUNT	<u>68.00</u>	CASH	FROM	TO
PAYMENT	<u>00</u>	CHECK	<u>Elova Boons</u>	
BAL DUE	<u>00</u>	MONEY ORDER	BY	

1182

RECEIPT

DATE 12-01-04 No. 697829

RECEIVED FROM Michael Sims \$ 150.00

Two hundred fifty dollars

FOR RENT CASH CHECK MONEY ORDER DOLLARS

FOR 5 Perfect Hair Pillows

ACCOUNT	<u>150.00</u>	CASH	FROM	TO
PAYMENT	<u>00</u>	CHECK	<u>Elova Boons</u>	

EXHIBIT

C

8-18-03

No. 697809

RECEIPT

RECEIVED FROM Sherry Walker \$30.00

FOR RENT FOR

ACCOUNT: CASH: FROM: TO:
 PAYMENT: CHECK: BY:
 BAL DUE: 30.00 MONEY ORDER:

Thirty Dollars - Hair Pillows - Bedding - Linens

8-22-03

No. 697810

RECEIPT

RECEIVED FROM Demo - 2 Gold Cases Given \$ 0

FOR RENT FOR

to Mama and Glo - Zero DOLLARS

2 Pillow Cases - GOLD

ACCOUNT: CASH: FROM: TO:
 PAYMENT: CHECK: BY:
 BAL DUE: 00 MONEY ORDER:

Elvira Vanessa Rose

8-22-03

No. 697811

RECEIPT

RECEIVED FROM Sherry MENNA \$150.00

FOR RENT FOR

One hundred dollars DOLLARS

Perfect Hair Pillows

ACCOUNT: CASH: FROM: TO:
 PAYMENT: CHECK: BY:
 BAL DUE: 150.00 MONEY ORDER:

Elvira Vanessa Rose

8-22-03

No. 697812

RECEIPT

RECEIVED FROM Demo - Sherry MENNA \$ 0

FOR RENT FOR

Zero dollars DOLLARS

Perfect Hair Pillows

ACCOUNT: CASH: FROM: TO:
 PAYMENT: CHECK: BY:

Elvira Vanessa Rose

RECEIPT

DATE 8-12-03 No. 697805

RECEIVED FROM Mae Tolbert \$ 30.00

THIRTY DOLLARS

FOR RENT FOR PURCHASE

Perfect Hair Pillow

ACCOUNT	
PAYMENT	<u>30.00</u>
BAL DUE	<u>00</u>

CASH
CHECK
MONEY ORDER

FROM E. Vanessa Rose TO
BY B# 1182

RECEIPT

DATE 8-14-03 No. 697806

RECEIVED FROM Promotional - Gwen Craig \$ 0.00

W DOLLARS

FOR RENT FOR PURCHASE

Perfect Hair Pillow

ACCOUNT	
PAYMENT	
BAL DUE	<u>00</u>

CASH
CHECK
MONEY ORDER

FROM Elaora Vanessa Rose TO
BY B# 1182

RECEIPT

DATE 8-14-03 No. 697807

RECEIVED FROM Promotional - Elissa "Model" \$ 0.00

DOLLARS

FOR RENT FOR PURCHASE

Perfect Hair Pillow

ACCOUNT	
PAYMENT	
BAL DUE	<u>00</u>

CASH
CHECK
MONEY ORDER

FROM Elaora Vanessa Rose TO
BY B# 1182

RECEIPT

DATE 8-18-03 No. 697808

RECEIVED FROM DEMO - Curtis Boone \$ 0.00

DOLLARS

FOR RENT FOR PURCHASE

PERFECT HAIR PILLOW - GOLD CASE

ACCOUNT	
PAYMENT	<u>00</u>

CASH
CHECK
MONEY ORDER

FROM Curtis Boone TO
BY B# 1182

FROM :

FAX NO. :3018903953

Feb. 22 2005 05:24AM P2

Gave
LONNIE
3 Gold
Pillow
Cases
Instead
OF
White

RECEIPT

DATE	8-23-03	No.	697813
RECEIVED FROM	LONNIE Allen	AMOUNT	\$90.00
Ninety Dollars		DOLLARS	
<input type="checkbox"/> FOR RENT <input checked="" type="checkbox"/> FOR	3 Perfect Hair Pillows		
ACCOUNT		CASH	
PAYMENT		CHECK	
BAL DUE	\$0.00	MONEY ORDER	
		FROM	TO
		BY	Eloisa Vanessa Boose
			1182

RECEIPT

DATE	8-23-03	No.	697814
RECEIVED FROM	Elouise Boose	AMOUNT	\$30.00
Thirty Dollars		DOLLARS	
<input type="checkbox"/> FOR RENT <input checked="" type="checkbox"/> FOR	Perfect Hair Pillow	L. Boose	
ACCOUNT		CASH	
PAYMENT		CHECK	
BAL. DUE	30.00	MONEY ORDER	
		FROM	TO
		BY	Eloisa Vanessa Boose
			1182

RECEIPT

DATE	9-2-03	No.	697815
RECEIVED FROM	Tanya Walker - DEMO	AMOUNT	\$ 0
ZERO		DOLLARS	
<input type="checkbox"/> FOR RENT <input checked="" type="checkbox"/> FOR	PERFECT Hair Pillow & 1 Gold Case		
ACCOUNT		CASH	
PAYMENT		CHECK	
BAL. DUE	0	MONEY ORDER	
		FROM	TO
		BY	Eloisa Vanessa Boose
			1182

RECEIPT

DATE	9-1-03	No.	697816
RECEIVED FROM	Demo (SALES) Tesha Walker	AMOUNT	\$ 0
ZERO		DOLLARS	
<input type="checkbox"/> FOR RENT <input checked="" type="checkbox"/> FOR	Perfect Hair Pillow plus 1 pink case		
ACCOUNT		CASH	
PAYMENT		CHECK	
		FROM	TO
		BY	Eloisa Vanessa Boose
			1182

RECEIPT

DATE 9-29-03 No. 697818

Reverend - Shelia & Gloria \$ 38.00

Albert 20.00 DOLLARS

FOR RENT Just Hair pillow Shelia & Hardy
 FOR

ACCOUNT	<u>38.00</u>	<input type="radio"/> CASH	FROM	TO
PAYMENT	<u>8.00</u>	<input type="radio"/> CHECK	<u>Elova Tressa Boone</u>	
BAL. DUE	<u>38.00</u>	<input type="radio"/> MONEY ORDER	BY	

1182

RECEIPT

DATE 9-29-03 No. 697818

Dionne Smith \$ 0.00

Albert - Shelia 30.00 DOLLARS

FOR RENT Just Hair pillow Shelia & Hardy
 FOR

ACCOUNT	<u>38.00</u>	<input type="radio"/> CASH	FROM	TO
PAYMENT		<input type="radio"/> CHECK	<u>Elova Tressa Boone</u>	
BAL. DUE	<u>00</u>	<input type="radio"/> MONEY ORDER	BY	

1182

RECEIPT

DATE 10-05-03 No. 697819

Leonard Hardy \$ 60.00

Albert - Shelia 60.00 DOLLARS

FOR RENT Just Hair pillow Shelia & Hardy
 FOR

ACCOUNT	<u>68.00</u>	<input type="radio"/> CASH	FROM	TO
PAYMENT		<input type="radio"/> CHECK	<u>Elova Tressa Boone</u>	
BAL. DUE	<u>00</u>	<input type="radio"/> MONEY ORDER	BY	

1182

RECEIPT

DATE 12-01-04 No. 697820

Wm. L. Sims \$ 50.00

One hundred 50 DOLLARS

FOR RENT Just Hair pillow
 FOR

ACCOUNT	<u>50.00</u>	<input type="radio"/> CASH	FROM	TO
PAYMENT		<input type="radio"/> CHECK	<u>Elova Tressa Boone</u>	
BAL. DUE			BY	

EXHIBIT

D

Hair Pillow

Test Results

Sunday Nite 10-27-02

Hair texture - soft, hard to hold curls
used ear piece - had to get comfortable,
once I was comfortable slept soundly

Results: Hair looked the same did not
have to curl or comb. Fluffed hair out
with fingers

Monday Nite 10-28-02

Used: Bigger face plate; could not
get comfortable; at 3:30 AM switched
back to ear piece, slept soundly
Did not curl or comb hair, fluffed with
fingers

Tuesday Nite

Used: ear piece slept very comfortable
and soundly. Did not curl or comb hair
fluffed hair with fingers.

My opinion of the hair pillow:

It takes about 2-3 days to get use to the pillow, once you're use to it and you find your comfortable position, you don't want to sleep without it. I love the idea not combing my hair every morning.

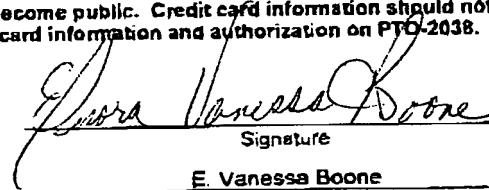
Roxanda Williams

10/30/02



PTO/SB/22 (10-00)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)										
<p>In re Application of E Vanessa Boone</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;">Filed</td> </tr> <tr> <td>10/726,531</td> <td>December 4, 2003</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;">For HEADREST</td> </tr> <tr> <td style="width: 50%;">Group Art Unit</td> <td style="width: 50%;">Examiner</td> </tr> <tr> <td>3873</td> <td>Lisa M. Saldano</td> </tr> </table>			Application Number	Filed	10/726,531	December 4, 2003	For HEADREST		Group Art Unit	Examiner	3873	Lisa M. Saldano
Application Number	Filed											
10/726,531	December 4, 2003											
For HEADREST												
Group Art Unit	Examiner											
3873	Lisa M. Saldano											
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.</p> <p>The requested extension and appropriate non-small-entity fee are as follows: (check time period desired):</p>												
<p><input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1)) \$120.00 <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) \$_____ <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) \$_____ <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) \$_____ <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) \$_____</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: <u>\$ 60.00</u></p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account</p> <p><input type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number.</p> <p>I have enclosed a duplicate copy of this sheet.</p> <p>I am the <input checked="" type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71 Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</p> <p><input type="checkbox"/> attorney or agent of record</p> <p><input type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____</p>												
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>												
<u>February 22, 2003</u> Date		 Signature E. Vanessa Boone Typed or printed name										
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> Total of _____ forms are submitted</p>												
<p>Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450</p>												

App. No. 10/726,531

Reply to Office Action of, October 21, 2004

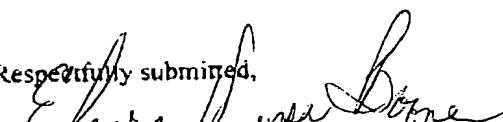
Applicant notes that both the base pillow and head pillow are made of "single blocks of urethane foam." This is not the case in Lilley, Jr. because in Lilley, Jr. the base pillow is made of a pliantly soft fabric. Moreover, Lilley, Jr. is directed to a portable seat cushion rather than a head rest which is constructed and arranged for elevating a person's head to minimize pressure against a person's hair while the head is resting on the headrest.

With respect to the rejections under 35 U.S.C. §103(a), Applicant submits herewith a "declaration" concerning Rejections under 35 U.S.C. §103(a). Applicant is an individual inventor who has sold 24 head rests configured in accordance with the claimed invention. These sales are not the result of an advertising campaign because the Applicant does not have one, rather it is the configuration of the product itself and its successful use for the purpose intended which has resulted in the sales. These sales establish commercial success corroborative with Applicant's small business and financial limitations. Applicant's commercial success is evidence in support of Applicants contention that her invention is unobvious.

New claim 11 is directed to the concept shown in Applicant's Figs. 4 and 5, wherein the outer clip 40 is shown for applying the cover 54 to the bottom of the base pillow 38. The outer clip 40 is removable from the headrest and the cover 54 is detachable from the headrest because it is fastened thereto by UPLC™ connections 64/66.

In that this is a full and complete response to the Office Action of October 21, 2004, this application is now in condition for allowance.

Respectfully submitted,



E. Vanessa Boone
13701 Colgate Way #1138
Silver Spring, MD 20904

Date: February 22, 2005

Feb 22 05 03:12p

Feb-22-05 02:32pm From-MILLEN, WHITE, ZELANO & BRANIGAN

7032436410

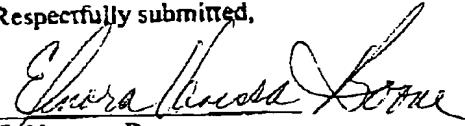
T-523 P-04/29 F-534

P.3

7) In order for my business to thrive, I need more product which I can obtain only through outside investment. A patent will help me to secure outside investment.

I declare under penalty of perjury that the foregoing is true and correct, this 22nd day of February 2005.

Respectfully submitted,


E. Vanessa Boone
13701 Colgate Way #1138
Silver Spring, MD 20904

Date: February 22, 2005

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